

REMARKS

Claims 14-19 are pending in this application. By this Amendment, claims 14-19 are amended. Claims 20-22 are canceled without prejudice to, or disclaimer of, the subject matter therein.

On page 5, the Office Action rejects claims 20-22 under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. Claims 20-22 are canceled without prejudice to, or disclaimer of, the subject matter therein. For at least the foregoing reasons, it is respectfully requested that the rejection of claims 20-22 under 35 U.S.C. §101 be withdrawn.

On pages 5-6, the Office Action rejects claims 14-22 under 35 U.S.C. §112, second paragraph, as being indefinite for the specified reason. This rejection is respectfully traversed.

Claims 20-22 are canceled without prejudice to, or disclaimer of, the subject matter therein. Claims 14-19 are amended to address the issue raised in the rejection. It is respectfully submitted that pending claims 14-19 comply with the requirements of 35 U.S.C. §112, second paragraph. For at least the foregoing reasons, it is respectfully requested that the rejection of claims 14-22 under 35 U.S.C. §112, second paragraph, be withdrawn.

On pages 6-7, the Office Action alleges that the reissue oath/declaration is defective. This rejection is respectfully traversed.

Paragraph 6 of the reissue declaration states that the claims in the parent application are too limiting. Paragraph 7 of the reissue declaration identifies specific features in the issued independent claims of the parent that are too limiting. It is respectfully submitted that the content of paragraphs 6 and 7 of the reissue declaration satisfy all applicable rules regarding a reissue oath/declaration.

For at least the foregoing reasons, it is respectfully requested that the objection to the reissue oath/declaration on pages 6-7 of the Office Action be withdrawn.

On page 7, the Office Action rejects claims 1-22 as being based on a defective reissue declaration. This rejection is respectfully traversed for the same reasons stated above in connection with the reissue declaration. For at least the foregoing reasons, it is respectfully requested that the rejection of claims 1-22 as being based on a defective reissue declaration be withdrawn.

On pages 2-4, the Office Action rejects claims 14-22 under 35 U.S.C. §103(a) as being unpatentable over International Patent Publication No. WO 93/16542 to Druckman et al. (hereinafter "Druckman") in view of U.S. Patent No. 5,014,297 to Morita et al. (hereinafter "Morita"). This rejection is respectfully traversed.

Claim 14, from which claims 15-17 depend, recites, "[a] communication device comprising an output unit that outputs data received from a remote device; an output determination unit that determines whether the output unit is ready to output; a reception determination unit that receives an incoming call from the remote device when the reception determination unit determines that the output unit is ready to output, the reception determination unit not receiving an incoming call from the remote device when the output determination unit determines that the output unit is not ready to output; and a reception process unit that receives an incoming call from the remote device in a specific mode regardless of a result by the output determination unit." Similarly, claim 18 recites, "[a] communication method, comprising: a first process of determining whether data output is ready; a second process of disabling reception of an incoming call from a remote device when it is determined that data output is not ready in the first process; a third process of determining whether a remote control operation is enabled from the remote device; and a fourth process of receiving an incoming call from the remote device when it is determined

that the remote control operation is enabled in the third process, regardless of a result in the first process." Likewise, claim 19, recites, "[a] computer-readable storage medium including a program for controlling a communication device; the computer-readable storage medium comprising: a first step of determining whether data output is ready; a second step of disabling reception of an incoming call from a remote device when it is determined that data output is not ready in the first step; a third step of determining whether a remote control operation is enabled from the remote device; and a fourth step of receiving an incoming call from the remote device when it is determined that the remote control operation is enabled in the third step, regardless of a result in the first step." It is respectfully submitted that neither Druckman nor Morita disclose, teach or suggest the above-quoted subject matter according to the combinations recited in the rejected claims.

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 14-22 as being unpatentable over Druckman in view of Morita be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 14-19 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Mark R. Woodall
Registration No. 43,286

JAO:MRW/mdw

Date: January 30, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

**DEPOSIT ACCOUNT USE
AUTHORIZATION**

Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461